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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 98-170
Truth-in-Billing and	)	
Billing Format	)	

AT&T Reply

Pursuant to the Commission's Public Notice, AT&T Corp. ("AT&T") submits the following reply to the comments on the petitions for reconsideration and clarification filed by AT&T, the United States Telephone Association ("USTA"), SBC Communications, Inc., MCI WorldCom, Inc. ("MCI-W"), National Telephone Cooperative Association ("NTCA") and U S WEST Communications, Inc.[1]

The comments reveal two important facts. First, all commenters who reference the specific issues raised in AT&T's petition for reconsideration support them. Second, and more important, no individual consumer or consumer advocate has opposed any of the petitions for reconsideration or waivers that have been filed in this docket over the last several months. Indeed, the only

[1] Comments were filed by Bell Atlantic, MCI-W, Qwest Communications Corporation, SBC, Small Company Committee of the Louisiana Telecommunications Association ("SCC"), Time Warner Telecom ("TW Telecom"), USTA and US WEST.

disputes that have been generated by the Commission's Truth-in-Billing ("TIB") rules are between carriers who disagree on how the new rules should be implemented.[2] Virtually all of those disputes could be avoided if the Commission grants the parties' substantive petitions.

As an initial matter, all commenters agree with AT&T (Petition, pp. 1-3) that the Commission should abandon its efforts to impose specific labeling requirements on carriers who adopt charges to recover the costs associated with federal regulatory requirements.[3] And critically, no consumers, the intended beneficiaries of such a rule, oppose AT&T's request. This is not surprising, however, because the Commission's general TIB guidelines, which are not opposed by any carrier, together with the Commission's general authority under Section 201(b) provide more than adequate protection against a carrier's use of false or

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[2] See U S WEST, pp. 3-4 ("bullish recalcitrance with regard to eliminating or modifying the rule will only embroil carries and the Commission in 'needless and protracted expense . . .and litigation'" (citation omitted)).

[3] Bell Atlantic, p. 1 ("generally support[ing] the various petitions for reconsideration"; MCI, pp. 2-7; Qwest, pp. 3-6 (also noting (at 4) that the specific requirement proposed by the Commission would fail to pass muster given the heightened constitutional scrutiny relating to matters involving commercial speech); TW Telecom, p. 9; U S WEST, pp. 5-6.

misleading billing information.[4] Accordingly, there is no reason for the Commission to pursue the restrictive labeling approach proposed in the TIB Order.

Similarly, all commenters referencing AT&T's other request -- that new Rule 64.2001(c) relating to "deniable" and "non-deniable" charges not be extended to business customers -- also support this principle.[5] Indeed, because of the attendant costs and associated system development issues, most of the petitioners and commenters would go much farther than AT&T requested and ask the Commission to eliminate the requirement altogether.[6] And again not a single consumer commenter has come forward to oppose any of these requests. Thus, there is no reason to deny AT&T's

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[4] See, e.g., MCI, p. 4 (citing AT&T's Petition, p. 3).

[5] MCI-W (pp. 10-11), Qwest (p. 9) and TW Telecom (pp. 11-12) also support AT&T's view that the TIB rules should not apply to customized billing arrangements between a carrier and its customers. See AT&T's September 3, 1999 Comments, pp. 4-5.

[6] MCI, pp. 8-11 (raising jurisdictional issues regarding the Commission's authority to adopt the rule given its lack of relationship to interstate services or slamming, and also noting (n.19) that the rule will likely lead to higher fraud and uncollectibles for IXCs); Qwest, pp. 6-7 (noting that the information is of more value "at the stage where disconnection is imminent" and that the costs of the requirement must be borne by all customers but are of importance to only a small minority); SCC, pp. 3-4 (eliminate rule for small and medium-sized LECs); TW Telecom, pp. 6-8 (also asserting the Commission lacks jurisdiction to adopt such rules); U S WEST, pp. 2-3, 5.

petition, and AT&T's request for reconsideration should be granted. Moreover, for the reasons stated by the other commenters, AT&T supports other petitioners' requests to eliminate Rule 64.2001(c) in its entirety.[7]

There is also widespread support -- and no opposition -- for most of the other issues raised in the petitions, particularly the request to modify or eliminate the "new service provider" requirement of Section 64.2001(a)(2)(ii). AT&T's September 14 Comments (pp. 2-3) explained several reasons why it is currently impossible to implement the rule as written:

(1) carriers who send billing records to others for billing cannot tell which month's bill their charges appear on;

(2) billers who bill such charges do not have the ability to "stare and compare" from one month to the next; and

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[7] To the extent that the Commission does not eliminate the rule but rather grants waivers to billing carriers, AT&T reminds the Commission that it is essential to grant equivalent relief to other carriers who rely on such billers. AT&T September 14, 1999 Comments, pp. 4-5; MCI, p. 14.

(3) even carriers who have regular and ongoing relationships with end users do not bill them every month.

In addition, the recent comments show that the requirement may confuse end users if they are applied to services such as dial-around calling, operator services calls and other causal use services.[8] Thus, it is clear that the current rule must be modified.

Two proposals have been made in this regard. USTA (Petition, pp. 6-7) and others petitioners have suggested that the definition be modified to include a six month interval to avoid confusion. Others, such as MCI (p. 13) and TW Telecom (p. 5), suggest that the rule should apply only to changes in a customer's presubscribed carrier. Given that the existing rule cannot be implemented without significant modification -- if the Commission determines to continue the rule at all -- AT&T would support either approach.[9]

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[8] MCI, p. 13; Qwest, pp. 7-8.

[9] AT&T reiterates here its view that in all cases LECs should be responsible for informing customers that their presubscribed carriers have been changed (see MCI, pp. 13-14). Notwithstanding some LECs' claims to the contrary, it is clear that only an end user's local carrier can definitively state when a PIC change for interstate or intraLATA toll service has been implemented, because only the LEC itself can make the necessary programming changes.

Conclusion

The Commission should grant AT&T's petition for reconsideration and act on the other parties' petitions as recommended herein and in AT&T's earlier comments.

Respectfully submitted,

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September 24, 1999

CERTIFICATE OF SERVICE

I, Denise M. Dagostino, do hereby certify that on this 24th day of September, 1999, a copy of the foregoing "AT&T Reply" was served by U.S. first-class mail, postage prepaid, on the parties listed on the attached service list.

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September 24, 1999

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